Quinine sulfate tablets. Misbranding, Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use for the purposes for which the article was intended.

The information alleged also that certain vitamin preparations were adulterated and misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods, No. 20793.

DISPOSITION: December 18, 1953. The corporation having entered a plea of guilty to the 5 counts of the information and the individual having entered a plea of guilty to the count in the information relating to the *quinine sulfate tablets*, the court imposed a fine of $500 against each defendant.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF DEVIATION FROM OFFICIAL OR OWN STANDARDS

4266. Adulteration of dextro-amphetamine sulfate tablets. U. S. v. Ross-Whitney Corp. (Heart Pharmaceutical Co. of California), Louis M. Mills, and Robert C. Whitney. Pleas of nolo contendere. Fine of $200 against corporation and $100 against each individual. (F. D. C. No. 33774. Sample No. 26646-L.)

INFORMATION FILED: June 2, 1953, Southern District of California, against the Ross-Whitney Corp., trading as the Heart Pharmaceutical Co. of California, Los Angeles, Calif., Louis M. Mills, president, and Robert C. Whitney, secretary-treasurer of the corporation.

ALLEGED SHIPMENT: On or about November 1, 1951, from the State of California into the State of Pennsylvania.

LABEL, IN PART: (Bottle) "1000 Tablets Heart Brand Dexedrine (Dextro-Amphetamine Sulfate) 5 mg."

NATURE OF CHARGE: Adulteration, Section 501 (c), the strength of the article differed from that which it was represented to possess since each tablet was represented to contain 5 milligrams of dextro-amphetamine sulfate, whereas each tablet contained less than 5 milligrams of dextro-amphetamine sulfate.

DISPOSITION: January 25, 1954. The defendants having entered pleas of nolo contendere, the court fined the corporation $200 and each individual $100.

4267. Adulteration and misbranding of ear drops and misbranding of Vita-Malt, nose drops, aluminum hydroxide gel, pyrilamine maleate liquid, and pyrilamine maleate tablets. U. S. v. Kimball Drug Co. (Kimball Wholesale Drug Co.), and Horace W. Kimball. Pleas of nolo contendere. Fine of $200 against individual; imposition of sentence against corporation suspended. (F. D. C. No. 33750. Sample Nos. 18271-L to 18277-L, incl.)

INFORMATION FILED: June 10, 1953, District of Arizona, against the Kimball Drug Co., a corporation trading as the Kimball Wholesale Drug Co., Phoenix, Ariz., and Horace W. Kimball, president of the corporation.

ALLEGED VIOLATION: On or about May 7, 1951, the defendants received in interstate commerce, at Phoenix, Ariz., a number of bottles of *Vita-Malt* which was misbranded; and, on or about May 8, 1951, the defendants caused a number of the bottles of *Vita-Malt* to be delivered for pay to the Maricopa County Hospital, at Phoenix, Ariz., in purported fulfillment of a purchase order issued by Maricopa County through its board of supervisors.

In addition, between May 7 and June 13, 1951, while various quantities of *nose drops, ear drops, aluminum hydroxide gel, pyrilamine maleate liquid,* and

25-milligram and 50-milligram *pyrilamine maleate tablets* were being held for sale at the Kimball Wholesale Drug Co., after shipment in interstate commerce, the defendants caused the *aluminum hydroxide gel* to be repacked into labeled bottles and caused labels to be affixed to the drums containing the *pyrilamine maleate tablets* and to the bottles containing the other drugs involved, and then caused such labeled bottles and drums of the drugs to be delivered to the Maricopa County Hospital, at Phoenix, Ariz., in purported fulfillment of a purchase order issued by Maricopa County through its board of supervisors, which acts resulted in the drugs contained in the labeled bottles and drums being misbranded and the *ear drops* being adulterated.

NATURE OF CHARGE: Adulteration, Section 501 (c), the strength of the *ear drops* differed from that which it purported and was represented to possess in that it was represented to contain 1 percent phenol, whereas it contained 4.8 percent phenol.

Misbranding, Section 502 (a), the label statements "RC * * * Packaged By Contract For R & C Co., Nutley, N. J." and "R & C * * * Packed By Contract R & C Co., Nutley, N. J." displayed upon the bottles and drums containing the above-mentioned drugs were false and misleading. The statements represented and suggested and created the impression that the drugs were products of Reed & Carnrick, an acceptable drug firm listed in the "Call for Bids" on the furnishing of drugs to the Maricopa County Hospital issued by Maricopa County, whereas the drugs were not products of the firm of Reed & Carnrick but were products of another firm. Further misbranding, Section 502 (b) (1), the drugs failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, in that the name and address, "R & C Co., Nutley, N. J.," borne upon the labels of the drugs, were not the name and place of business of the manufacturer, packer, or distributor of the drugs.

DISPOSITION: June 15, 1953. The defendants having entered pleas of nolo contendere, the court fined Horace Kimball $200 and suspended the imposition of sentence against the corporation.

4268. Adulteration and misbranding of Livo Ferrum capsules. U. S. v. 2 Drums, etc. (F. D. C. No. 34926. Sample No. 49878–L.)

LIBEL FILED: April 7, 1953, Eastern District of New York.

ALLEGED SHIPMENT: On or about December 18, 1952, by Bergen Pharmacal Co., Inc., from Jersey City, N. J.

PRODUCT: 2 20,000-capsule drums and 1 10,000-capsule drum of *Livo Ferrum capsules* at Brooklyn, N. Y.

LABEL, IN PART: (Drum) "Livo Ferrum Capsules Each Capsule Contains: Ferrous Sulfate Exicc. 3⅜ gr. * * * Niacinamide 5 gr. Intended for use in the treatment of iron deficient and nutritional anemias. Adult dose: 2 capsules 4 times daily."

NATURE OF CHARGE: Adulteration, Section 501 (c), the strength of the article differed from that which it was represented to possess, namely, 3⅜ grains of ferrous sulfate exsiccated and 5 grains of niacinamide per capsule.

Misbranding, Section 502 (a), the label statement "Each Capsule Contains: Ferrous Sulfate Exicc. 3⅜ gr. * * * Niacinamide 5 gr." was false and misleading as applied to the product, which contained less than 3⅜ grains of ferrous sulfate exsiccated and 5 grains of niacinamide per capsule.